

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FLYNN

Serial No. 10/715,368

Filed: November 19, 2003

For: DATA PROCESSING PERFORMANCE CONTROL



Atty. Ref.: 550-489

Group: 2116

Examiner: M. Brown

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March 2, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

A refund is respectfully requested for the Appeal Brief fee (\$510.00 paid August 11, 2008) for the following reason.

Applicant's Appeal Brief filed on August 11, 2008 merely restated issues raised in the Pre-Appeal Brief Request for Review and was filed in response to the Notice of Panel Decision requiring Applicant to proceed with the appeal. The Examiner then issued an Office Action on November 28, 2008. Accordingly, the Appeal Brief was unnecessary (the Pre-Appeal Brief Review Panel should have advised the Examiner to forward the pending Official Action at that point in prosecution instead of forcing Applicant to restate those same positions in an Appeal Brief and pay the Appeal Brief fee).

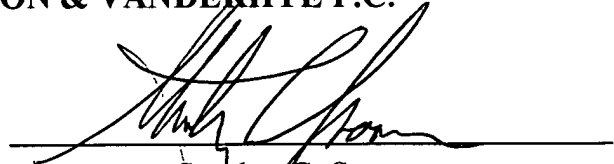
Accordingly, it is requested that the Appeal Brief fee of \$510.00 be refunded to applicant's undersigned attorney by crediting \$510.00 to Deposit Account No. 14-1140 under Order No. 550-489.

FLYNN
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Stanley C. Spooner
Reg. No. 27,393

SCS:kmm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100